IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11923 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PIRZADA MAQSUDABIBI JAYNUDDIN

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR LR PATHAN on behalf of Mr. MA SAPA for Petitioner

MR ANANT S DAVE for Respondent No. 1

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 08/12/2000

ORAL JUDGEMENT

1. Rule. Mr. Anant S. Dave learned Additional Central Government Standing Counsel waives service of rule on behalf of the respondent.

2. The petitioner has filed this petition for a

direction to the respondent - Regional Passport Officer, Ahmedabad for correction of his date of birth and place of birth in the Passport bearing International Passport No.A-5261480 issued by the respondent on 29/4/1998. The learned counsel for the petitioner has submitted that while applying for the international passport, the petitioner filled up the form showing his date of birth and place of birth as reflected in the School Leaving Certificate. The learned counsel for the petitioner draws my attention to the Annexure-B which is School Leaving Certificate issued by Anjuman-i-EIslam English School, Kalupur, Ahmedabad. From the said certificate, it appears that the date of birth of the petitioner has been recorded as 8/7/1958 and the place of birth has been shown as Virpur. Accordingly the respondent - Regional Passport Officer, Ahmedabad issued passport showing the date of birth of the petitioner as 8/7/1958 and place of birth at Virpur, Kheda (Gujarat). The learned counsel for the petitioner submitted that there was an error in the date of birth of the petitioner as well as in the place of birth of the petitioner, while recording the same in the School Register. The learned counsel for the petitioner submitted that the petitioner was born at Ahmedabad on 10/12/1958 and in support of his such contention, the learned counsel for the petitioner has produced a copy of the Birth Certificate issued by the Ahmedabad Municipal Corporation at Annexure-C.

3. It appears that the date of the birth and place of the birth of the petitioner as shown in the Birth Certificate issued by the Ahmedabad Municipal Corporation is not in consonance with the School Leaving Certificate issued by the school. It is well settled position of law that that if there is any discrepancy in the date of birth in the school register and in the birth certificate issued by the local authority, the birth certificate issued by the local authority shall prevail. The respondent should have acted on the birth certificate issued by the Municipal Corporation, Ahmedabad which is a local authority. The learned counsel for the petitioner submitted that the petitioner approached to the respondent for correction of the date of the birth and place of birth of the petitioner in the passport, but necessary correction has not been done.

4. Mr. Dave learned Additional Standing Counsel appearing on behalf of the respondent - Regional Passport Officer, submitted that the Regional Passport Officer may consider the case of the petitioner if the petitioner produces genuine document regarding his date of birth and school of birth, then the same may be considered by the

respondent and necessary correction may be done in the Passport of the petitioner.

5. In the instant case, it appears that while taking admission, there was an error in mentioning the date of birth of the petitioner as well as the place of birth of the petitioner. The birth certificate issued by the Ahmedabad Municipal Corporation should have been acted upon by the respondents. Accordingly the petitioner is directed to produce all the relevant records including the birth certificate issued by the Municipal Corporation, Ahmedabad to the respondent - Regional Passport Officer, Ahmedabad and if the documents are placed before the the respondent, then the respondent is directed to consider the same immediately preferably within a period of two weeks and pass appropriate order for making necessary correction in the passport issued to the petitioner. The respondent cannot be held responsible for the error regarding the date of birth and place of birth of the petitioner as that has been done by the respondent in accordance with the information supplied by the petitioner in the application. However, it is now become necessary to correct the date of birth of the petitioner in accordance with the birth certificate issued by the local authority i.e. Municipal Corporation, Ahmedabad. Accordingly the respondent May consider the correct date of the petitioner as 10/12/1958 and place of birth of the petitioner as Dariapur, Ahmedabad which has been reflected in the birth Certificate issued by the Ahmedabad Municipal Corporation, a local authority. Since the respondent is not responsible for the mistake in the passport, the petitioner shall pay a sum of Rs.1500/- to the respondent for carrying out such correction of place of birth and date of birth of the petitioner in his passport.

4. In view of the aforesaid observations and directions, the petition is disposed of accordingly. Rule made absolute. D.S. Permitted.

(P.K. SARKAR, J.)

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